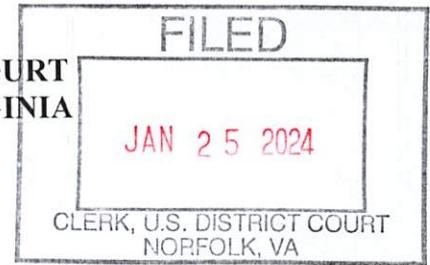


'IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division



VIRGINIA H.,

Plaintiff

v.

CIVIL ACTION NO. 4:23cv28

**MARTIN O'MALLEY
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on Virginia H.'s ("Plaintiff") complaint for judicial review of the final decision of the Commissioner of Social Security ("Defendant") denying Plaintiff's claim for disability insurance benefits under Title II of the Social Security Act. On April 25, 2023, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. On April 26, 2023, Plaintiff was directed to file within 30 days a Motion for Summary Judgment with memorandum supporting his contentions and containing a state of undisputed facts. (ECF No. 5). On May 19, 2023, Plaintiff filed a Motion for Summary Judgment and accompanying memorandum. (ECF Nos. 6 and 7). On June 17, 2023, the Commissioner filed a cross-Motion for Summary Judgment. (ECF No. 8). On January 5, 2024, the Magistrate Judge filed his report recommending that Plaintiff's Motion for Summary Judgment be **DENIED**, that Commissioner's Motion for

Summary Judgment be **GRANTED**. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby **ACCEPT** the findings and recommendations set forth in the report of the United States Magistrate Judge filed January 5, 2024, and it is therefore **ORDERED** that the Plaintiff's Motion for Summary Judgment is **DENIED** and the Commissioner's Motion to Dismiss is **GRANTED** and this case is **DISMISSED**.

The Clerk shall mail a copy of this final Order to counsel for the parties.

IT IS SO ORDERED.

Norfolk, Virginia
January 24, 2024



Raymond A. Jackson
United States District Judge